



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

**75 Hawthorne Street
San Francisco, CA 94105-3901**

July 20, 2022

Paul Enriquez
Program Management Office Directorate
United States Border Patrol Headquarters
1300 Pennsylvania Avenue 6.5E
Washington, DC 20229-1100

Subject: Tijuana River and New River Border Barrier Projects

Dear Paul Enriquez:

Thank you for the update on the Customs and Border Protection's river border barrier projects during our meeting on July 7, 2022 and email update on July 20, 2022. We understand that CBP is proceeding with two projects, one would construct a bridge and place barriers across the Tijuana River in San Ysidro and the other would add barriers to an existing bridge across the New River in Calexico. CBP expects construction will proceed rapidly utilizing existing contracts.

The Department of Homeland Security waived the National Environmental Policy Act and dozens of other environmental and cultural resource protection laws for these projects.¹ We appreciated the opportunity to provide some input on CBP's plans for the Tijuana River barrier (letter dated September 2020, attached), but note that invoking the NEPA waiver for this project has resulted in the lack of a robust assessment of environmental and human health and safety impacts which would inform agency decision-makers and the public. As we expressed during the meeting, we have significant concerns regarding the risk of catastrophic flooding should the lift gate system not operate as planned, potentially leading to severe property damage, damage to infrastructure, and the loss of life or injury to people.

CBP indicated in the July 20, 2022 email that hydraulic and hydrology (H&H) studies and design for both the Tijuana River and New River barrier projects are still under review by Army Corps of Engineers and the contractor. CBP had confirmed in our July 7, 2022 meeting that the barriers would be designed using a hydraulic study based on the 100-year flood. As we stated in our 2020 letter, and reiterated during the July 7th meeting, designing to the 100-year flood will likely prove inadequate to convey future higher-volume flows expected under climate change. We again reiterate our grave concerns with this planning and note that it appears inconsistent with current federal flood risk guidance² and with DHS's own Climate Action Plan's priority to ensure "climate resilient facilities and infrastructure."³

¹ February 8, 2019 for San Diego Sector, January 4, 2021 for El Centro Sector

² Executive Order 14030 - Climate-Related Financial Risk, which reinstated EO 13690 - Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input

³ https://www.dhs.gov/sites/default/files/publications/21_1007_opa_climate-action-plan.pdf

It is not clear whether the H&H studies include modeling storm flows under a range of flow conditions to determine potential impacts, but we believe this is essential to determine whether flood risk would increase both from the structures themselves and from structures if gates are not raised during a storm event. According to the State of California,⁴ flows in this area of the Tijuana River can increase from less than 1 cubic feet per second (cfs) to over 15,000 cfs in a matter of hours. In the event of a lift gate failure during an intense rainstorm event, flooding could result in loss of life or injury to people and damage to infrastructure, made worse if trash and sediment accumulate behind the lift gate. EPA has made substantial financial investments in Tijuana's wastewater infrastructure through the Border Water Infrastructure Program, and we have concerns that collection pipes and/or pumps could be damaged if flood risk is not appropriately planned for and managed. We request a review opportunity for any flow analysis study to understand the impact of the proposed design structure under a range of flow conditions, including the intense atmospheric river-induced precipitation extremes that are predicted to occur in California in the coming decades. We note that CBP committed to sharing modeling results with EPA prior to our next monthly meeting in August and we look forward to receiving them.

The requested analysis should also inform an understanding of flood risk from structural or operational failure. CBP shared that it can operate the lift gates successfully using generators should electric power be lost during an intense storm; and if generators fail, CBP is exploring what equipment could be used to lift the 8,000 lb gates. We reiterate EPA's experience with high vandalism in this area; any vandalism to the lift gate could impact its operability with or without power. There have been problems with drainage gates from improper maintenance (e.g. a blocked gate across Steward's drain resulted in massive flooding) and from improper operation (locked drainage gate in Arizona during the 2021 summer monsoons).⁵ We urge CBP to ensure that design of these barriers consider our changing climate to protect vital infrastructure and ensure the health and safety of area residents and Border Patrol staff.

We appreciate the opportunity to provide additional comments and look forward to continued coordination. If the New River project is still expected to begin before our next scheduled meeting, please contact Karen Vitulano at (415) 947-4178 or vitulano.karen@epa.com to set up an interim meeting to discuss modeling used for that project.

Sincerely,

Jean Prijatel
Manager, Environmental Review Branch

⁴ September 25, 2020 letter from the California Environmental Protection Agency and Natural Resources Agency to CBP regarding the Tijuana River project.

⁵ <https://www.12news.com/article/news/special-reports/at-the-border/9-steel-gates-of-arizona-border-wall-ripped-off-by-monsoon-storms-5-completely-missing/75-d1140599-f255-4b95-ad58-79f8b65cdce0>